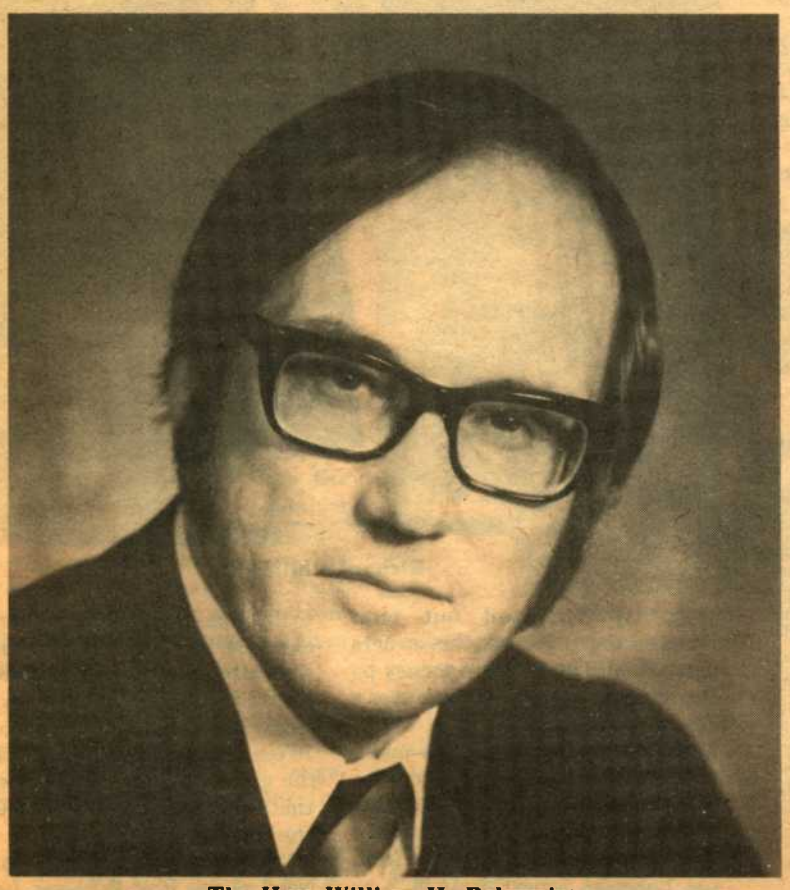
2-1-1977

The Docket, Issue 4, February 1977

THE DOCKET

Vol. XIV, No. 4 | The Villanova Law School | February, 1977



The Hon. William H. Rehnquist

Rehnquist to sit at Reimel showdown

By Jeff Lieberman

The Hon. William H. Rehnquist, associate justice of the U.S. Supreme Court, will head a panel of three distinguished jurists in judging the final round of the Reimel Moot Court Competition on April 16 at Villanova.

Rehnquist, who will preside as chief justice of the "U.S. Court" for purposes of the competition, received his law degree from Stanford University. He was nominated to the Court in 1971 by President Richard M. Nixon. Sitting along with the 52-year-old Rehnquist will be The Hon. Collins J. Seitz, chief judge of the U.S. Court of Appeals (3rd Circuit); and the Hon. Morris Pashman, associate justice on the Supreme Court of New Jersey.

Pashman, with a reputation as a liberal — activist, is seen as an excellent contrast to the more conservative Rehnquist. Seitz, 62, has served as a justice on the U.S. Court of Appeals since 1966 and has been chief justice since 1971.

Rehnquist recently confirmed his participation, according to Prof. John Hyson, Moot Court faculty advisor. Invitations were sent to U.S. Supreme Court justices last February, said Hyson, to assure their representation on the "court" in the finals.

Four Teams Left

Meanwhile, in the quest for the championship, the field has been narrowed to four teams. Arguing before judges from area Common Pleas courts on January 26, four more teams were eliminated from competition. The results were as follows: Weinstein-Gallagher over Berman-Berner; the Caldwell-Kelly team was defeated by McAndrews-Guidera; McFadden-Seeger bested D'Amica-Burns; and the only third-year team still in the competition, Meehan-Russo, defeated Reber-Schwartz.

Cash Prizes

The survivors now advance to the semifinal round, to be held February 23 at 7:30 p.m. The two teams losing in the semifinals will each receive a consolation prize of $50. For the victors, it will be on to the finals and a chance for the grand prize of $175.

Attorney General honors VLS alum

By Clemson N. Page Jr.

By conventional law school reckoning, Alan J. Hoffman's success in the professional world should come as a surprise to no one.

Yet he attributes it not to the coveted externalities of law school success — law review and Reimel semifinalist among them — but rather to some subtle habit of mind he acquired in his three years here. He labels it "discipline."

Since he left Villanova four years ago, Hoffman has worked as an assistant U.S. Attorney in Wilmington, De., specializing in the investigation and prosecution of "white-collar crime" in the high circles of officialdom.

In recognition of the skill and dedication Hoffman brought to his work, Attorney General Edward H. Levi awarded his a special commendation in Washington last December.

Run Before Walk

In a recent interview, Hoffman discussed his work and offered some reflections on his law school experience. His first point was that law school doesn't teach you everything you need to know to practice law:

"Book knowledge is one thing, but you get a totally different type of knowledge out on the street. In terms of actual policies and procedures, you learn to run before you learn to walk — at least in this office.

"You're thrown right into the fire immediately," he said. "You're given a file and told, 'Go to trial in two weeks.' "

"I think the best preparation I got from law school was in the matter of discipline: a certain pattern of thought that was taught, of how to discipline yourself in legal thinking," Hoffman said.

"I guess because of the psychological effect — the fear — of the first year, for some reason most of what I learned in that year has stuck with me, more so than in the second and third years," he said.

Best Preparation

"I remember Collins in first-year Contracts, talking about the fact that 'we're not going to teach you the law. We're going to teach you to think like a lawyer.' And I'd say that the best preparation I got, was the different professors teaching how to think like a lawyer, how to prepare like a lawyer, how to organize and express your thoughts."

Hoffman's current area of specialization, of course, is criminal trial work. He observed that his "defense-oriented" law school courses in criminal law and criminal procedure have been a "tremendous" help to him in his work as a prosecutor.

"In each case," he said, "before we go to the grand jury for an indictment, we sit there and review the case as a defense lawyer would."

Leisurely Pace

Hoffman's cases proceed at a rather more leisurely pace than most criminal prosecutions because, within the statute of limitations, there is no pressing necessity either to indict or drop the case. The result is that the attorneys and their teams of investigators have ample time to investigate and research all facets of the case before making the decision to indict.

"Before you indict," he said, "you've got an excellent opportunity to close up all the holes in your case, if you can analyze it properly to know where the holes are."

Target Wilmington

One example of this process at work was Hoffman's investigation of a suspected "pattern of fraud" in the Wilmington office of the Federal Housing Administration. By assembling and analyzing individual case files, he developed a theory "that there were probably numerous others involved who didn't appear in our files." After outlining his theory to officials in Philadelphia and Washington, Hoffman had Wilmington designated one of some 30 "target cities", acquired the services of investigators from the Internal Revenue Service, the Department of Housing and Urban Development and the FBI, and set up a special investigating grand jury.

The investigation, which is now "winding down," has resulted in 28 convictions. An indication of its thoroughness was a 139-count indictment returned against the director of the FHA office in Wilmington.

Defense counsel in the case against the FHA director was Edward Bennett Williams of the Washington firm of Williams, Connolly and Califano; Hoffman characterized the firm as one of the leading white-collar crime defense outfits in the country.

Williams' only choice, Hoffman said, was to plead his client guilty in exchange for a four-year sentence.

Tight Case

"We were pretty proud that we

(Continued on page 2)

Victory eludes mock trial team

By John Halehian

A Villanova Law School team composed of Robert Freed and John McFadden was narrowly defeated by a team from Dickinson Law School in the semifinal round of the Regional National Mock Trial Competition held at Temple Law School February 5 and 6. As a result, two Dickinson teams advanced to the final round. Villanova finished third in a field of 12 teams, which also included representatives from New York University Law School, Brooklyn Law School and Temple Law School. Another team composed of Phillip Katauskas and Charles Dismore also represented Villanova in the competition.

In last year's competition, the first year it was held, a team composed of Pamela Phillips Maki and David Worby won the regional competition and went on to place third in the nation at the finals held in Houston, Tex.

During a critiquing session following the semifinal round, one judge severely criticized the theoretical structure of the competition by calling it "a dreadful and frustrating experience" for the judges.

Dominating Bench

The trial took place in a small, dimly lighted room dominated by an impressive, dark, wood-stained bench, blue carpeting and gold chairs. There were approximately five spectators. To the left of the bench a competition official observed whether the contestants stayed within specified time limits during the presentation of their case.

An aggressive and oftentimes caustic presiding judge perforated the trial with persistent questioning and gratuitous anecdotes derived from years of courtroom experience.

Standing before a three-judge panel, John McFadden of Villanova delivered a measured and deliberate closing address for the defense to an imaginary jury. Invoking the higher principles of human liberty and freedom, McFadden methodically argued that his client was not guilty beyond a reasonable doubt of the crime charged, that the prosecution

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Students get law down from alumni

Attorney's degree helps in big-time sports deals

By Rick Troncelliti

Richard Phillips, '66, a local attorney best known for his work in representing professional athletes, spoke at a Law School Forum on "Sports and the Law" February 9. Phillips discussed his dealings as an agent representing players in contract negotiations with the owners of various teams, most of which are in the National Basketball Association.

Among the many prominent sports figures that Phillips represents are NBA players, Howard Porter, Norm Van Lier, and Joe Bryant, Philadelphia 76'ers coach Gene Shue, and Marquette University basketball coach Al McGuire.

Phillips stressed the relationship of his legal background to his work in the sports negotiation process.

"Criminal Law means a great deal," the former Philadelphia assistant district attorney commented, "as well as contract and antitrust law. Without a legal background I could not have helped in some of these cases."

The first athlete that Phillips had as a client was former Villanova basketball star Howard Porter, now of the Detroit Pistons. Porter had signed several agreements with agents and an ABA team.

"We were looking for infirmities in the deal which would get him out of a $350,000 deal with the Pittsburgh Condors into a $1.5 million deal with the Chicago Bulls," Phillips said. Phillips had met Porter at several basketball banquets while working in the D.A.'s office, and Porter asked him for help when negotiations with the Bulls broke off. Phillips succeeded in completing the deal and then went on to negotiate contracts for other players on the Bulls.

Recommendations Count

Phillips commented that many of his clients come to him on the recommendations of players throughout the league.

"Howard Porter became friends with another Chicago rookie named Clifford Ray," Phillips said, "and told him, I spend what you're making in tips. You get in touch with my man Richie Phillips and he'll take care of you."

Eventually, Phillips represented several of the Bulls, and word of his ability spread throughout the basketball world. He has represented several clubs, as well as players and coaches in negotiations.

Working from a basic premise that "all these guys are crazy" Phillips claimed to have little trouble in dealing with the high-salaried professionals.

"The reason that all of these guys are crazy is because of the attention that has been focused upon them since they were in high school," he said, "I know that I'm crazy and they know I'm just as crazy as they are. If they like it fine. If they don't they can get someone else."

College Draft

A large part of the discussion was centered on the problems of the college draft and the option clause in NBA contracts, and the effects their elimination would have.

"I think we should have the free enterprise system with competitive bidding. There will always be owners willing to have a franchise because of the tax advantages and if they are willing to spend the money for players, they will get it back as long as people are willing to pay for the product."

Richard Phillips

Phillips pointed out that through the tax laws, the owners can actually make more money by increasing a particular player's salary.

"I'm not a fan," Phillips maintains, and I have not been for some time. When you get in at this level you become callous toward the game itself and look at it from the business aspect instead."

The controversial subject of renegotiation of a player's contract was also touched upon.

Cites 'Dr. J'

"Renegotiation is done every day in business, but people get upset about it in sports," Phillips stated. "A contract doesn't bind someone to play, it simply prevents him from playing for anyone else."

Phillips then pointed out the example of 76'er Julius Erving, who attempted to renegotiate his contract this season with the New York Nets and whose sale to the 76'ers aroused a great furor about the greedy athletes and owners in that town of losers and debtors, the Big Apple.

"What happened there was that Nets owner Roy Boe was having financial problems and he saw an opportunity to pick up three million dollars for Erving, so he sold him."

It turned out to be a most interesting session for the approximately 25 students gathered in the faculty dining room, with the only shortcoming being a severe lack of the promised doughnuts and bad coffee.

Democratic challenger rips D.A. Fitzpatrick

By Barry Schuster

Ed Rendell, '68, returned to Villanova recently to campaign for the Democratic nomination for district attorney in Philadelphia. Rendell discussed a wide range of issues and explained his candidacy as running against the system and the organization of current Dist. Atty. F. Emmett Fitzpatrick.

After graduation from Villanova, Rendell joined the District Attorney's Office, where, in 1970, he was named assistant chief of the homicide division. Under his supervision new programs were initiated to speed the trial of homicide cases. In 1973 he was promoted to chief of the homicide division where he remained until the election of Fitzpatrick.

In April of 1976, Rendell returned to public service to join the Office of Special Prosecutor as first assistant special prosecutor. That office was closed amid much publicity recently when the Pennsylvania legislature refused to allocate federal funds for the special prosecutor.

Ed Rendell

Rendell was particularly harsh in speaking of the legislative action, saying that the office of special prosecutor was "the victim of deliberate, premeditated murder" by that body. Rendell pointed out that the Commonwealth Court decision was handed down two days after the office was forced to close because of lack of funds while awaiting the decision. He questioned why the Pennsylvania Supreme Court decision on the Rizzo recall took only 27 hours while the decision about the special prosecutor had taken five months.

'Matter of Integrity'

Rendell sees his campaign as "a matter of integrity" and hard work. He spoke emphatically of the need to "recapture the working spirit in the District Attorney's Office which was lost under Fitzpatrick." Rendell believes that extra effort by district attorneys to work with witnesses and victims throughout the prosecution is necessary to restore effective prosecution. He also called for judicial accountability and an end to judge shopping.

On the issue of police brutality, Rendell said that he would be tough. But, he added, "Police brutality among a small number of police hurts the police themselves, as much as the victim. The average policeman will see a fair procedure which will restore confidence and help the entire Philadelphia community."

The law school has extended a similar invitation to speak to Fitzpatrick. He is scheduled to present his campaign platform February 23.

VLS alum honored

(Continued from page 1)

could put together a case so tight that even Edward Bennett Williams couldn't find a way to take this man to trial, and gave up by pleading him guilty," Hoffman said.

Hoffman was also commended for his work in the prosecution of New Castle County Executive Melvin A. Slawik, characterized as the No. 3 man in the state's power structure, after the governor and lieutenant governor.

At the time Slawik was convicted, he was the "highest ranking official convicted of a crime in the state of Delaware," Hoffman said. And again it was preparation that won the case.

No Alternative

Hoffman takes the position that the emphasis in law school on grades and class standing is antithetical to the supposed goal of the learning process. He also admits he can conceive of no alternative.

"I remember at midterms the first year my grades were a D in Contracts, three Cs and a B," he said. By the end of the year he occupied the No. 8 spot in the class. The reason, he theorizes is that he stopped fretting about class rank and started concentrating on doing what he was here for.

"It was my gut reaction at the time that you came to law school to learn," Hoffman said. "Once there, you shouldn't be worried about where you're going to finish in the class. I just wanted to be able to look at the results in June and say that was the best I could have done."

Unreliable Barometer

"It's one thing to 'get' a certain grade," he added. "But it may not be a very reliable barometer of professional performance. Any employer who refuses to hire a person because he was in the bottom half of his class is wrong. The only way in which grades act as a barometer is that they indicate a certain discipline in writing law school exams."

And Hoffman suggests that isn't a terribly valuable skill in the life of a practicing lawyer.

"Writing law exams actually hurt me in my first three or four litigation briefs," he said, because he came across more as a law student scribbling for an A than as an advocate urging his argument on the court.

Hoffman's career timetable has him scheduled to leave the U.S. Attorney's office in May. At the moment he is considering either returning to Philadelphia to enter private practice, or remaining in Delaware, sitting for Delaware bar in July and taking up private practice there.

Law school-Univ. dollar tensions sharpen

by John Marshall

In recent weeks the Student Bar Association (SBA) and the University Senate have confronted their own peculiar financial problems.

While the SBA meetings have focused upon distribution of funds to student activities at the law school, the recent University Senate meeting served to sharpen the financial tensions between the university and the law school in terms of collecting revenues sufficient to meet the general needs of the university.

The SBA has attempted to institute a more systematic budgetary process. The week prior to their deliberations, a representative of each law school organization seeking money had an opportunity to present an oral sales pitch to complement its written request.

Between cross-table jokes the SBA members manage to ask a few pertinent questions, assure the representative that the proposal looks great and should pass virtually intact, and send him off. Next week the paring knives come out.

Open Meeting

The meeting to consider and approve the budget was open to the community and a few organizations had a representative present. Those who did not forfeited a tactical advantage, since the SBA attempted a lot of rescheduling and combining, and only the organizations in attendance had sufficient flexibility to accommodate changes and still preserve their programs. The most striking example was the *Law Review's* agreement to combine its symposium on computer-based criminal information systems with the SBA's annual symposium, effectively doubling its allocation.

SBA members thrash out budget.

One of the major elements in shaping the finished product is, of course, the total funds available. The entire amount of $3,870, except for occasional matching funds from the ABA/LSD, comes from student fees.

The SBA in allotting the funds makes an internal (their own) allocation first. Then the other organizations are accommodated. Only the Women's Association and the Rugby Club received less than they requested. The Women's Association will not get money for meals on a proposed trip for four members to a Women's Law Conference in Wisconsin, but they will receive auto expenses, lodging, and registration fees.

The Rugby Club was allotted $100 of its $300 request, but there was grudging opposition to giving it anything, apparently because it is a purely recreational activity and had already received its $100 for the fall semester.

Some Inconsistency

Although SBA proceedings appear to be haphazard and informal, they are effective. The few attempts at formality led to embarrassing inconsistencies. The Law Forum, for example, may actually need as much as $150 for 10 forums, but was only allowed $15 because it had a written request for only the first event. The LSD, on the other hand, was allocated $365 without any request, since "she probably forgot, we better put her down for some." There was also a confusion in scheduling; none of the members could decide which functions might overlap or conflict.

University Senate

For all its pretention, the University Senate doesn't work; not as a vehicle to create a budget. It is a fine forum for the various segments of the university to express their distrust of each other, and some of the distrust seems well founded; but it is unlikely to resolve any differences, particularly when it takes 35 minutes to get the first motion on the floor.

There was a basic conservative/expansionist schism over how to finance and operate a university, and no amount of discussion is likely to reconcile that issue. To illustrate this point, 98.3 percent of university operating funds come out of student tuitions. If that seems high to you, you are right; the national average, according to one of the senators, is 35 percent.

Many favored increased borrowing for construction and salaries, and the holding down of tuition. With the advantage of hindsight, it would have been wiser to have borrowed to finance five or 10 years ago rather than to pay for it at today's prices, but it is less clear what the correct course is now.

$3,000 for Tuition

Dennis McAndrews, senator representing the law students, pointed out that the law school tuition will rise from $2750 to $3000 next year, an increase of nine percent, while the undergraduate tuition will increase by only seven percent; that the law school tuition aid averages $221 per student compared to $319 for undergrads; and that the law school makes money for the university.

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BUDGET: SPRING SEMESTER, 1977

FUNDS FOR 1976-77 STILL UNEXPENDED AS OF 2/1/77:

570.00	(student fees)
3000.00	(supplemental funds from V.U.)
300.00	(matching grant, ABA/LSD)
$ 3870.00	

INTERNAL BUDGET ALLOCATIONS:

Item		Allocation
SBA/Law Review Symposium		728.00
Spring SBA Elections		15.00
Show (Law School Satire)		100.00
Spring "Extravaganza" Party		300.00
Miscellaneous Social		
Remainder of film series[1]	180.00	
TGIF's[2]	250.00	630.00
"100 Days" Party[3]	200.00	
Operating Funds		464.16
TOTAL		2237.16

ALLOCATIONS TO STUDENT ORGANIZATIONS:

Organization	Allocation
LSD	365.00[4]
BALSA	150.00[4]
WOMEN LAW STUDENTS ASSN.	280.34
RUGBY CLUB	100.00
NATIONAL LAWYER'S GUILD	220.00
INTERNATIONAL LAW SOCIETY	222.50
DOCKET	80.00
YOGA	100.00
ENVIRONMENTAL LAW GROUP	100.00
VILLANOVA LAW FORUM	15.00
LAW REVIEW	see above[5]
TOTAL	1632.84
TOTAL ALLOCATIONS	3870.00

Montco P.D. group expands to Phila.

By Barbara Bodager

The Villanova Law School Public Defender's Program is not quite a seminar, not quite a clinical program. Initiated in the spring of 1976 by former student Calvin (Pete) Drayer, the program requires students to write one appellate brief per semester on a case pending with Drayer's Montgomery County Defender's office, and presents opportunities to do prison interviewing in Norristown.

Since its inception, student response to the Montgomery County group has increased. Susan Gantman, who participated in the fledgling program in the spring semester, 1976, told **The Docket** that in the fall of 1976 there were six students in the program while now there are 20.

Due to the enthusaism of Gantman, the program has expanded further, this semester, to include a work-study segment with the Philadelphia Public Defender's office. Helping direct is John Scott, a 1972 graduate of Villanova Law School, and former public defender at the Philadelphia Defender's Association.

Gantman and Scott put the program together over last summer. Students who opt for this segment, work in Philadelphia doing client interviewing and filing motions. For some, work-study funds are available for the work done in the Philadelphia office.

The group meets on Tuesdays at 4 p.m. in room 23, where Drayer and Scott discuss criminal procedure problems that students may have with their briefs.

Lectures are planned from such speakers as Common Pleas Court Judge Richard Klein; private investigator Joe O'Toole (formerly with the Philadelphia police); and Mark Shultz, a 1975 Villanova graduate, currently with the Montgomery County District Attorney's office in charge of their Accelerated Rehabilitative Disposition program for first time offenders in non-violent crimes.

All interested students are encouraged to attend the next afternoon session where they will be able to witness the interaction between students and the living law.

The Docket Prize

The *Docket* announces an award of $30 to be given for the best article on any legal-related subject. The competition is open to all students, including *Docket* staff members, and faculty, and will be judged by the Editorial Board. Articles must be submitted between Feb. 21, 1977 and April 11, 1977. The length for all articles is 500-1000 words. Entries must be double-spaced typewritten and should be left in the *Docket* box in the administration office. There must be five or more entries coming from outside the *Docket* staff in order for a prize to be awarded.

Sole practitioner: one who dared

By Jay Cohen

EDITOR'S NOTE: Part One of this article was devoted to a general analysis of the factors — economic and personal — which must be considered in starting one's own law firm. Part Two examines some of the experiences of those who have actually established their own practice. For the purposes of this article, no distinction will be made between sole practitioners and those in very small firms of several partners.

It was amusing to Rick Burns that anything should have come of it, but someone had actually picked his name out of the phone book.

"I'm lucky," Burns said. "My name's right at the top of the list."

He didn't think the Yellow Pages would bring him clients. And yet . . . he had advertised.

Burns and his partner, Bob Edinger, graduated from Villanova Law School in 1975, found themselves dissatisfied with the firm they both worked for, and not anxious to find jobs with other firms. No one has broken any doors to get to them yet, and Burns admitted, it will probably be five or more years until they attain a degree of security. The independence makes up for the financial insecurity, they both said with feeling.

Now that they are out of Philadelphia, they are trying to become part of the community in Wayne, by living in the area where they practice.

"In a community like this," Burns said, "a lot of people have small problems," and they can't be turned away. "It's the clients that make it interesting anyway, and not necessarily the cases."

Friends and Relatives

Initially clients came in through friends and relatives. In addition, Burns and Edinger subscribed to the Delaware County Lawyer Referral Service (Lawyers pay $50 for a six months listing).

When a client calls, Burns or Edinger tries to get him off the phone and into the office. Otherwise the client will often try to garner information without the intention of paying for it.

"How the hell do I know, maybe they want to handle their own divorces," Burns said with a grin that showed how frustrating the process could be. "And when a client does come in, don't tell him you're just starting out," Burns advised. "But if he asks, give an honest appraisal of your abilities."

Both Burns and Edinger felt that they picked up invaluable experience by their short apprenticeships before starting their own firm. Client interviewing and administrative financing were especially made easier, although they both admit, ruefully, that they had more responsibility in the jobs they held while attending law school than in the 10 months they worked as certified attorneys.

Jay Starr also thought the time spent working for a firm before starting practice was a good idea.

"Apprenticeship is good so long as you don't let yourself get pigeonholed doing 10-k forms for two years," he said.

Of course, this is directly opposite to the belief of attorney Jay Foonberg, who has written a book entitled **How to Start and Build a Law Practice.** Starr travels with Foonberg, appearing on panels to discuss the experiences of those who have started their own firms. Foonberg says an apprentice does not get sufficient responsibility to teach him anything worthwhile. Nevertheless Starr still thinks it best to "get your feet wet for a couple of years."

Cash Flow

Starr agrees with Foonberg on the problem of financing a new practice. "The name of the game in a small practice is cash flow," Starr says. Costs must be kept down so that cash is always available.

Bluebell attorney, Jay Starr

In order to cut costs, Starr and his partner, Mark Corchin employed a vocational student as a part-time typist for $50 a week. The furniture is all second hand, though gracefully aged. Starr suggested two further money-saving ideas: (1) choose a building that offers extras (his offers the service of automatic typewriters at a small fee); (2) choose a building which allows negotiation as to the price and features of the office space.

The billing at Corchin and Starr is by the hour because of their concern for adequate cash flow and because it weeds out the non-serious clients. The first bill is sent after 30 days. They firm will generally carry a client for 60 or sometimes 90 days. After that, the matter goes to court.

"It's been a process of education," Starr said, "and sometimes we learned the hard way. But there is no such thing as a good client who doesn't pay his bills."

On A Meter

Villanova graduate John Briskin charges a flat fee. In a business agreement, he maintains, people want to know ahead of time how much it will cost.

"They don't want to be kept on a meter," he said. And neither does Briskin.

"There's no sense getting up before twelve," he said, admitting, without concern, that his hours are irregular. But they can afford to be. One of the large advantages of a small or sole practice over the larger firm is that the sole practitioner can often set his own hours.

This is Briskin's attitude and reflects his lifestyle. But in an another sense it is indicative of the experience, common to Briskin and his partner, Jim Cunilio, of a "gradual immersion" (Cunilio's term) into practice.

Both have taken care to do things slowly, almost cautiously, and have even worked at other jobs while practicing in Bryn Mawr. In fact, Briskin plans to attend medical school in the fall and sees a career after that which will be neither medicine or law, but an amalgam of the two.

Strange Cases

The attorney who is just starting his own firm must expect some strange cases at first. Some of the cases coming into new firms are "grudge cases," according to Starr, who said that as soon as he gained confidence, he flatly rejected such cases. Some clients were hard to swallow, Starr said, but "if the issues were real," he would handle it.

Starr ruefully related one early case in which a man's dog had eaten another's racing pigeon. After litigation, the entire fee amounted to $40.

Briskin has similar comments and mentioned a dog-bite case with exasperation. He has, in addition, handled a good number of domestic relations cases, referring to them as "domestic warfare" cases.

A Large Gap

Another topic which surfaced in talking with these attorneys was their concern over the law school's role in preparing students for practice. As Jay Starr put it, "There's a large gap between what law school taught and the reality of practice."

Rick Burns regretted that his schooling did not prepare him for practice. "There's not enough practical experience in general," he said.

Burns pointed to the clinical training that medical students receive and said that, where law students were concerned, "There should be more projects, at least more writing. And what programs did exist, he said, "trained you to work for someone else." Burns felt that his experiences showed the need for some sort of training that would enable the starting attorney to do everything for himself.

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95% locate jobs

By Christine White-Wiesner, Assistant Dean

Even though the job market has been tight, 95 percent of the graduates in the Class of 1976 have located professional employment.

As of January 1977, 185 graduates were employed, with 10 still looking for their law-related jobs. Thirteen graduates have not reported their employment status to the law school, and four did not take the bar examination or are not looking for employment.

The Class of 1976 had a record high of 22.5 percent accepting judicial clerkships (see accompanying chart) compared to past years in which 12 percent to 15 percent accepted clerkships. The percentages for the Classes of 1972 to 1975 are from the annual final employment report. The Class of 1976 final report will be complete by the end of this month.

A more detailed analysis of the Class of 1976 shows that of the graduates who chose private practice eight went with large law firms (those firms with more than 50 lawyers), 66 with medium-to-small-size firms, and three graduates started their own practices. One other graduate reported working for both a medium-to-small-size firm and a district attorney's office.

Under the government category are seven with the federal government. The majority of the 13 with state or local governments are with district attorney offices. Of the 41 graduates who accepted judicial clerkships, 10 have federal clerkships and 31 have state or local clerkships.

Twenty-five graduates working for businesses are in legal departments; two are in other areas and one graduate did not identify the department. Included under the business category are banks, insurance companies, accounting firms, railroads, legal research and publishing companies, labor unions, and public utilities.

Majority in Pa.

Class of 1976 graduates located employment in 16 states, nine of which were in the Northeast. There were 13 states represented in the Classes of 1972, 73, and 75 and 15 states in the Class of 1974. As usual, the majority of Villanova's graduates located in Pennsylvania. Of the 127 graduates who were employed in Pennsylvania, 70 stayed within Philadelphia, while 33 are in Bucks, Chester, Delaware or Montgomery Counties. Eighteen graduates are in New Jersey, 11 in Delaware, 7 in New York, and 5 in the District of Columbia. The others are in California, Florida, Illinois, Maryland, Massachusetts, Michigan, Nebraska, Rhode Island, Texas, Vermont, and Wisconsin.

Of those who reported their employment status as of graduation, approximately 60 percent of the last three classes were employed. For the Class of 1976 there were 150 graduates who reported their employment status; 88 were employed, and 62 were not yet employed.

FIVE-YEAR COMPARISON OF EMPLOYMENT REPORTS

Class of	1972	1973	1974	1975	1976*
JOB CATEGORY					
Private Practice	48%	50%	41.5%	45%	43%
Public Interest					
Indigent Legal Services	7	4	10	7	5.5
Business	7	10	14	11	16
Government	18	13	15	17	11
Judicial Clerkships	15	15	12	15	22.5
Military	3	1	4.5	4	0
Academic (study, teaching, administration)	2	1	3	0	1.5
Other	0	5	0	1	.5

*as of January 1977

Analysis

Comment on Pa. Court

By Prof. John M. Hyson

On January 30, Susan Stranahan (a writer for the *Philadelphia Inquirer*) wrote an article entitled "Why the Pennsylvania Supreme Court is not Esteemed." Among other things she criticized the quality of the Court's opinions and the Court's delay in publishing opinions in certain cases. She also suggested that political considerations sometimes influence the decisions of individual justices.

In the Court's defense, I believe that it is burdened by a caseload which exceeds that of the highest courts of other comparable states. In addition, the members of the Court must expend considerable time and energy in "riding circuit" — traveling from their home chambers to Pittsburgh, Harrisburg, and Philadelphia. Perhaps the Court should sit exclusively in Harrisburg (New York's highest court sits only in Albany).

These factors — a large caseload and burdensome travel — may provide at least a partial explanation for the faults described in Ms. Stranahan's article. They may also explain two other flaws in the Court's performance which are not mentioned in the article. First, the members of the Court too often state their conclusions without stating the reasoning which supports those conclusions. This happens every time a member of the Court "concurs in the result" or dissents without opinion. The basic protection against arbitrary decision-making by judges is the requirement that they set forth the reasoning which supports their conclusions. When this obligation is met by the members of the Court, its decisions are more readily accepted and respected by the public and by the legal profession because then it appears that the members of the Court base their decisions upon an analysis of the law and not upon personal or political considerations, or simply a "gut reaction."

The second flaw not mentioned in Ms. Stranahan's article is similar to the first in that it relates to the manner in which the members of the Court reach their conclusions. Ms. Stranahan criticizes the Rizzo recall decision because she suggests that the members of the Court reached decisions which were motivated by political considerations. However, I criticize not the decision which was reached in the recall case but the manner in which it was reached. The Court first announced the result and then, several weeks later, announced the reasons for the result. Such a procedure is not consistent with proper judicial decision-making. Under such a procedure, the published opinions do not appear to reveal the reasoning by which the justices reached the conclusions, but rather they appear to set forth a rationalization by which the justices attempt to support conclusions which have been previously reached.

If the justices could state their conclusions in early October, they should be able to state their reasoning at that time — not several weeks later. If they cannot state their reasoning at that time, then they should not be able to state their conclusions. Reasoning set forth at the same time as the decision may not have the literary elegance of that which could be set forth at a later time, but at least it does not have the appearance of being an after-the-fact rationalization. It is to be hoped that the decision-making procedure of the recall case will not become more common (though, unfortunately, it has been used by the Commonwealth Court in resolving the Chesterbrook controversy in Tredyffrin Township).

Prof. John Hyson

The quality of the decisions of the Supreme Court in Pennsylvania must be improved. Perhaps this will require a reduction in the Court's caseload. It certainly will require the appointment, and election, to the Court of persons who are committed to a high quality of decision-making.

Spina to teach

By Marita Treat

Delores Sesso Spina, an attorney at the firm of Pepper, Hamilton and Scheetz, has returned to the Villanova law school from which she graduated in 1966 as top student in her class to teach Pennsylvania Practice.

Her course will go beyond the books to present as practical a program as possible.

"The rules you can read in a book," she explained in her gentle but definite manner. "I will emphasize the practical aspects of practicing law in Pennsylvania and how the rules are applied."

For anyone anticipating practicing in Pennsylvania this course would be good background.

Delores Sesso Spina

Malpractice Cases

Since Spina's father is a dentist, her sister a physician, and her husband and brother-in-law doctors, it's no surprise that she is involved in litigating medical malpractice cases at Pepper. In addition, she represents the Philadelphia County Medical Society.

One of the more interesting cases she has worked on is litigation involving a total of 95 defendants, all drug companies, who had produced a chemical hormone used by pregnant women in the 1940's and early '50's. The hormone has allegedly caused cancer in female offspring.

Mock trial team

(Continued from page 1)

had thrown before the jury pieces of a puzzle that it could not put together.

Uneven Quality

Although participants thought that Temple did an exceptionally good job in setting up and administering the competition, there were numerous complaints made regarding the uneven quality of the judges participating in the competition. For instance several of the judges' questions indicated to this reporter that either they could not remember or were unaware of certain events that had transpired before them, as at one point in the trial where one judge expressed surprise at the use of a document which had been inspected previously by both the opposing counsel and the court.

Several remarks of the judges, who were predominantly from the state courts, also revealed their unfamiliarity with both the federal rules of criminal procedure and the federal rules of evidence, which controlled the competition.

Professor Leonard Packel and J. Clayton Undercofler selected and coached the two teams from Villanova. The teams were selected on the basis of a competition held during the end of the first semester which was open to third-year students. After these selections were made innumerable hours were spent in preparation for the regional competition.

New librarian

By Beth Wright

Lucy J. Cox's official station is at the circulation desk in the law library. As reference librarian since January 10, 1977, she supervises several student library workers and considers it her goal to satisfy the library needs of students in every possible way.

Cox is the daughter of a librarian and the wife of a lawyer; logically this combination would produce a law librarian. Logic fails, however, to characterize her career.

Born in Kaunas, Lithuania, passing her early childhood in Austria, Lucy Jakstas found her first American home in Clarksville, Tenn. During the years following World War II, American families and charitable organizations sponsored displaced persons — and the Jakstas family's sponsor was a Tennessee farmer. After about a year, the family moved to Cleveland, Ohio.

Lithuanian, German and English were Cox's first three languages as she pursued her B.A. in history at Case-Western Reserve University. Her life took another change of direction however, when she signed up for an introductory class in the Russian language during her junior year in college. Cox liked Russian so much that she took the necessary extra courses and finally received an M.A. in Russian literature at the University of Pennsylvania.

Career Shift

Her career settled, she taught

(Continued on page 9)

Lucy J. Cox

Environment Group Forms

By LORRAINE FELEGY

An environmentally concerned organization has been formed at the law school. The organization, as yet unnamed, plans to provide legal advice and research for needy environmental groups. Although the Villanova group has just finished a project in conjunction with the Association of Conservation Trusts (ACT), it is basically independent.

On February 1, Dan Mannix from ACT visited Villanova and stressed the need for such groups in all law schools. He stated that ACT had polled a number of environmental groups and 99 percent of them professed their need for legal assistance of this kind.

Prof. John Hyson, advisor of the new group, has hopes that this organization will lead to a clinical program in environmental studies at Villanova. To effectuate this goal, Hyson stipulated that the group must have a definable scope and work product to receive credit.

Approval Pending

Presently, John Caldwell ('78) is heading the steering committee to write a constitution for the organization. SBA has given tentative support. Final approval by Dean O'Brien is now required.

The group has just finished its first assignment which dealt with conservation easements in various states on the East Coast. Basically, each student chose a state and researched its laws concerning tax deductions available by setting up such an easement. The students' end product will be incorporated into a pamphlet by ACT which will be sent out to all the environmental groups in those states.

The organization's next project involves working with the Department of Transportation. The problem centers around salt runoff, which is polluting waterways. Anyone interested in joining the organization can contact Professor Hyson or John Caldwell.

Tenure report disclosure

Secrecy, disclosure and freedom of information have been loosely used terms for the past several years. When individuals and groups are required to disclose how they operate and the factors they consider in making their decisions, they are much less likely to misapply generally accepted principles or consider inappropriate factors. For these reasons of policy our courts and legislatures are generally required to be open to the public.

It is in this context that we view the tenure process which is currently taking its course. The Tenure Screening Committee is required to submit a recommendation with a report of its findings to the tenured faculty which votes on the decision and sends its decision to J. Willard O'Brien, Dean. The Dean forwards both the recommendation of the tenured faculty and his own assessment (which may or may not endorse the decision of the tenured faculty) to the University, which is ultimately responsible for granting tenure.

Although we do not mean to impugn the honor or integrity of those members of the faculty and administration who play a significant role in deciding whether tenure should be granted to a faculty member, we believe that students, non-tenured faculty members and the academic community are entitled to know what decisions are being made and why. We submit that the recommendations and decisions that are made by the Tenure Screening committee, the tenured faculty, the Dean and the University administration, and the findings that these recommendations are based upon, should be disclosed at every level of the decision-making process absent a strong justification for keeping this information secret. Moreover, there is no strong justification for releasing *all* confidential information such as raw data from course evaluations and information that is either inherently private or does not necessarily relate to a faculty member's current academic performance.

The presumption should be that all relevant information which substantially contributes to the recommendation or decision should be disclosed with the burden of justifying continued secrecy falling upon the tenured faculty and Dean O'Brien.

We recognize that full disclosure could be embarrassing to one or more of the faculty members currently being considered for tenure. However, students, nontenured faculty members and alumni have an interest in knowing whether their professors are being properly scrutinized in the somewhat analogous way that we, as citizens, are entitled to know whether our courts are properly dispensing justice.

We increasingly demand that our legislators and judicial officers justify their decisions under the scrutiny of the public; we should expect no less from our own professors and administrators.

"Why not the best?"

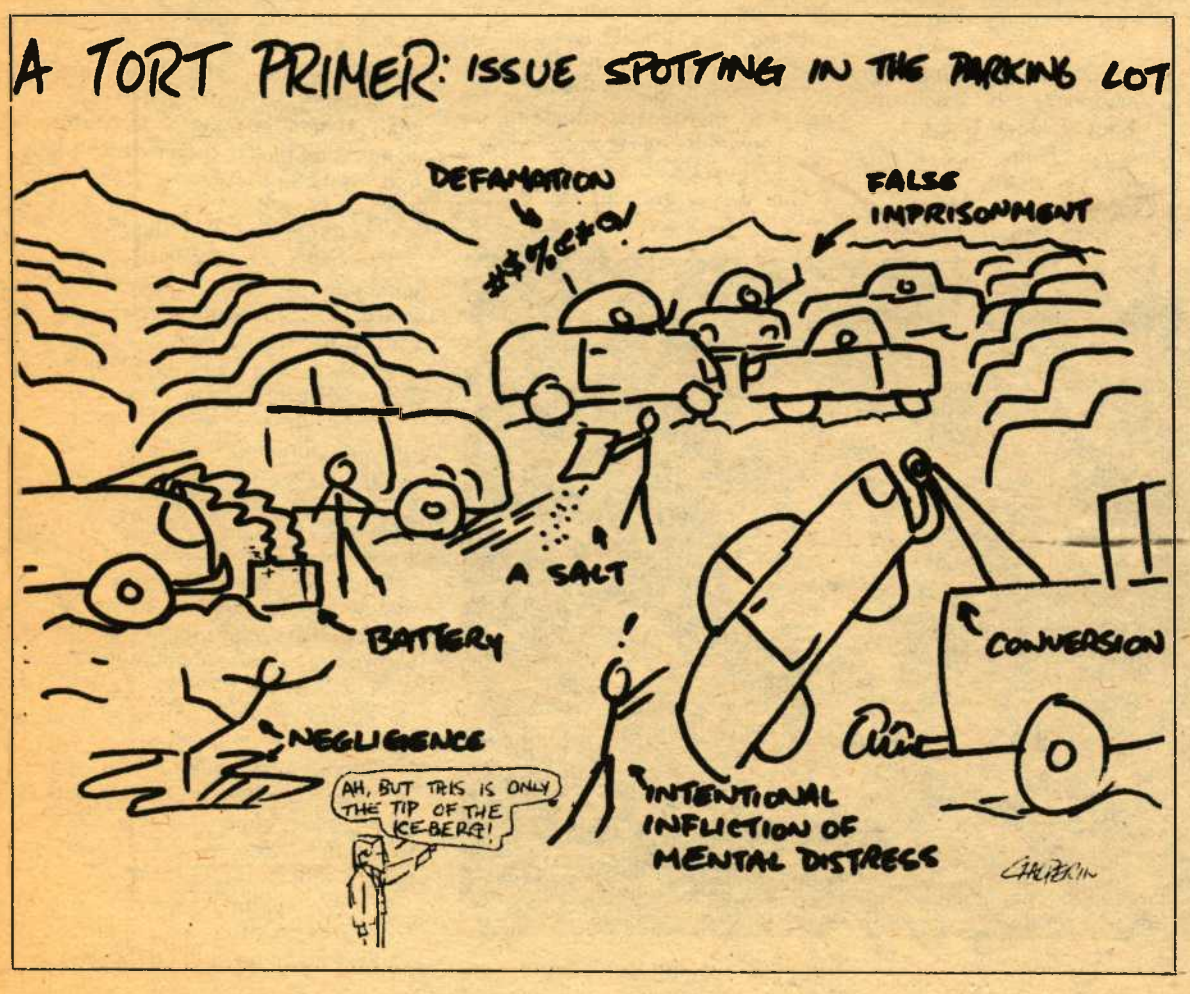
In the coming weeks a series of decisions and recommendations will be made concerning whether tenure shall be granted to four faculty members. Although we have not had the opportunity to examine the information that has been gathered by the Tenure Screening Committee, we believe the committee should take note of several considerations when they evaluate that information.

Law school professors are subject to the same human frailties that affect us all. However, the best professors can effectively convey their methods of analysis and insights to almost every student in class; the best professors "know their stuff" in every course that he or she is required to teach; the best professors can teach almost any course for the first time and do exceptionally well; and the best professors can engage in legal scholarship by publishing their work and contributing to their school's law review without adversely affecting their teaching in class.

Thus, we are compelled to ask, "Why not the best?"

The faculty-student committee has had the opportunity to interview prospective applicants for faculty positions and has been considerably impressed by the particularly high calibre and motivation of those interviewed. We believe that several of the recently hired faculty fit this characterization.

The Tenure Screening Committee, the tenured faculty, the Dean and University officials — those who are charged with the primary responsibility for making tenure decisions — should take note that when the law school is in a position to require nothing less than excellence in those individuals it chooses to hire, we **should demand** nothing less than excellence in those who seek tenure. It is in times like these that a good law school can become even better. Again we ask, "Why not the best?"



Student Inve

To the Editor:

The Docket is at long last becoming a forum for the expression of student views on topics which are, and should be, of importance to the law school community. In past issues, articles and letters have been critical of various faculty and administration decisions. **The Docket** has even touched upon that most sensitive of areas, course evaluations. Though I have not agreed with all of the views set for in these articles, the views were worth reading. **The Docket** has created a healthy climate for the sharing of information and views.

Another healthy development is the formation of the Villanova Law Forum. The Forum, as I understand it, will be inviting persons outside the law school community to come to the law school to present their views on topics which should be of interest to the community. The format will be informal so that there will be opportunity for discussion.

I hope that the Forum is successful. I feel that there is real need for a student organization which encourages informal discussions involving the entire law school community. The Forum (or another organization) might also consider setting up informal discussions of popular articles which focus upon legal topics. For example, the October **Harper's** published an article entitled "A Plague of Lawyers" which as the title suggests, blames the legal profession for turning America into a contentious society. On January 30th, **The Inquirer** published an article by Susan Stranahan entitled "Why the Pennsylvania Supreme Court is not esteemed." *(See letter by Prof. Hyson concerning article.)* It seems to me that it would be a great idea for a student organization (or simply a group of students) to set up informal discussions of such articles.

Fear and loath

Getting to and from one's car to the law school building has for the past several frigid weeks been an adventure fraught with the danger of broken bones, torn muscle and cartilage, abrasions and bruised behinds. Students have displayed their concern by petitioning the law school administration to eliminate the snowed-in condition of the parking lot.

In all fairness to the administration, however, the blame must be shared to a considerable extent by university maintenance and students themselves.

Assoc. Dean J. Edward Collins says that university equipment is inadequate for the job and that the law school lot is the last place university maintenance gets to.

But this is little more than a lot of cold air, according to Daniel J. Hennessy, director of university maintenance.

"There's never a time that we can come in and remove snow because there's always parked cars cluttered around," he said. "We can't get into the law school parking lot. Any time of the day, any time of the night they have cars there."

We do not believe this position is tenable, however. Even though the building is open six days of the week until midnight, very few cars are left on the lot after that time. It would be quite possible to work around those cars still

nvolvement Encouraged

There is also no organization which encourages informal discussion of topics which relate to the law school itself — its curriculum, its activities, its future. It seems to me that all of us would profit from a more frequent discussion of issues relating to the law school.

I believe that the impetus for such discussion must come from the student body. Otherwise, I fear that faculty-organized discussions will produce sessions in which faculty members will pontificate, students will listen, and there will be no discussion.

Finally, I would like to commend my colleagues Dellapenna and Dobbyn and the SBA on the idea of a film festival. Though I question their taste in movies ("I Love You, Alice B. Toklas" was a true turkey), the basic idea is a good one — especially when joined with free beer.

Prof. John M. Hyson

READERS! Don't neglect the Docket Bulletin board on the wall beside the Alumni Lounge. It is stocked daily with news items of particular legal import. It is maintained for your enlightment and entertainment.

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Faculty Advisor
Professor John J. Cannon

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thing in the lot

there after that time, especially since snow removal goes on on a round-the-clock basis when needed.

During the worst part of the icy conditions the large undergraduate lot on Lancaster Avenue was ice free. Even though undergraduate students do not use their lot after normal school hours to the same extent that law students use theirs, one can frequently see parked cars on the undergraduate lot late at night as well.

Only in recent years has the law school had this trouble, Hennessy says. Students parked at night in a designated section in the past and there was no trouble with clearing the lot.

There seems to be no comparable understanding between maintenance and the law schools presently, however, Perhaps there should be. Announcements could be made before classes and notices could be posted asking students after a certain hour to park in a certain area. If plowing were to be done, for instance, after midnight all students not parking in that area could be subject to disciplinary action.

On a related note, **The Docket** approves of the recently announced policy of disciplining students who park improperly or block other students' cars. Such behavior is reprehensible even under ideal situations.

World literature

New Bluebook reviewed in Stanford press

A Uniform System of Citation. *(Twelfth edition) By the Stanford Law Review of the East, et. al. 1976 IX plus 190 pages. $1.75*

The literary event of the season, the publication which is already winging its way to the top of the Best Seller List, was received last week amidst a wave of national and international fanfare. Small in size yet powerful in its content, the Bluebook, as it is know to its millions of admirers throughout the world, was re-released in a new edition, in an obvious attempt to supplant the Thoughts of Chairman Mao as the world's most popular reading matter. Like Mao's little red book, the little blue book provides daily guidance to hundreds of thousands of individuals in pursuit of their respective lifestyles. Unlike the editorial directors of the little red book, however the people responsible for the Bluebook are supposedly alive and well, though leading somewhat sheltered existences in law review offices along the Eastern Seaboard.

Several Changes

The new Bluebook makes several significant changes in the *Grundnorm* of proper citation. Among those which vitally affect our day-to-day existence is an expanded list of abbreviations to be used in case names. Key examples of this pervasive liberality are "Auth." and "Hous.", both strictly interdicted in the eleventh edition. Moreover, whereas the old Bluebook mandated indentation of quotations of 300 *spaces* or less and removed the quotation marks, the twelfth edition indents quotes of 49 *words* or less and removes the quotation marks. This development is likely to engender considerable controversy in the scholarly community, for the potential for abuse is enormous. By deliberately selecting quotations containing small words, an author can succeed in indenting very short quotations and escape the strictures that the old 300 space limitation created!!

Another change likely to result in unrest and bloodshed is the new found distinction between "see generally" and "see whereas." While the eleventh edition conflated the two, defining them as an authority "broader in scope than, or develops a question analogous to," the new edition dictates that "see generally" is limited to "broader in scope than," and "see also" is an authority which develops "a question analogous to."

The new bluebook is by far the most exciting piece of literature to filter down into the *Law Review* catacombs in weeks. It is "must" reading for any sincere *Law Review* candidate. It has all the vitality of a Gerald Gunther lecture and raises about as many questions. Suspense mounts as one consults it to find whether case cites in a series are set off by commas or semi-colons. Further, like a good murder mystery, one feels compelled to read it from cover to cover in one sitting.

Key to the Universe

Moreover, there is a certain religious fervor to it. One comes away from the Bluebook chanting a personal mantra (e.g. "12 So. 2d. 305, 12 So. 2d. 305, loc. cit., 12 So. 2d 305"), with the sublime realization that it offers a simple and straight path to moral rectitude, spiritual uplift, and concomitant happiness. By following the rules within, one not only learns the divine standards of proper behavior, but also gains self-discipline, and at a cost substantially less than that of becoming a disciple of Sun Myung Moon.

Finally, the new Bluebook is much more thorough than past editions. Greater effort is made to clearly distinguish between rules applicable to texts and those pertaining to footnotes (a distinction crucial to the smooth functioning of any law review organization); more attention is paid to punctuation problems of citations; the statutory section (long the weakest part of the Bluebook) is beefed up considerably, including the addition of the complete Harvard statutory supplement, which had been printed separately prior to the twelfth edition.

In sum, the new Bluebook, supreme tool of trivialization, will be welcomed by *Law Review'ers* as a more pervasive means of organizing, citing and compartmentalizing the universe and thereby achieving their ultimate goal in life.

The above article first appeared in the November 2, 1976 edition of the Stanford *Law School Journal.*

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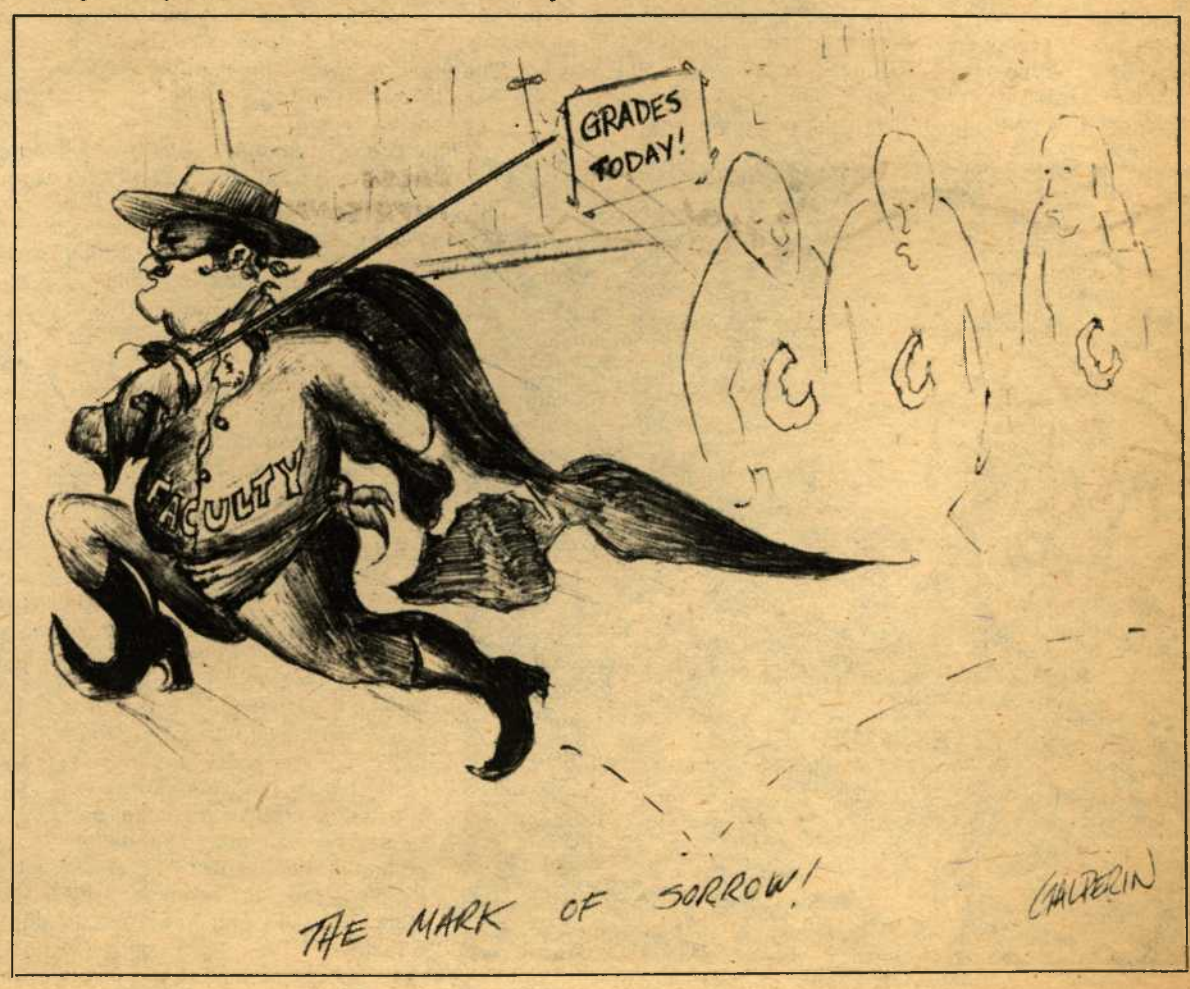


Piercing the scuttlebut

Bar reviews: a matter of taste

By Louis C. Rosen

EDITOR'S NOTE: Although many third-year students have already committed themselves to one of the three bar review courses at Villanova, we feel that the following article will provide useful information for those who have not yet made a decision or for those who may want to change to another course. We also hope that this article may clear up some misconceptions concerning bar review courses in general and serve as a preliminary step to an evaluation of bar review courses for second-year students.

"The choice of (bar review) courses . . . has not always been the result of rational evaluation but rather a function of blind 'instinct' based on the kind of loose assertion, rumor and scuttlebut which would be considered totally inadequate in other contexts," according to Michael Josephson, director of the Bar Review Center (BRC) of America.

"Few decisions stand to have as much long-range impact as the one regarding bar exam preparation," he adds, "and I have been disturbed to note that would-be counselors of law often fail to make a systematic inquiry into the alternatives available."

While this may be overstating the case, many third-year students, when questioned by **The Docket** about their course choices, answered: "They're all the same anyway," or "All my friends are taking it" or "What difference does it make? Everyone passes here no matter what course he takes."

The passing rate for Villanova students in the July 1976 bar examination was practically 100 percent, as compared to a statewide passing rate of 89 percent. It is possible to pass the bar without the aid of any review course. The anxiety that one may suffer due to a lack of feedback and a less structured program, however, may necessitate taking such a course. Which one — BRC, Bar Review Institute of Pennsylvania (BRI) or the Levin-Sarner-Brown Bar Review School (LSB) — will depend upon one's own needs, tastes and disposition.

Pa. Exam

But before discussing various characteristics of the courses some general background on the Pennsylvania bar examination itself would be helpful.

In Pennsylvania the bar is given twice a year on the last Tuesday and Wednesday of July and February. The first day is devoted to the essay portion of the exam. There are two three-hour sessions. The applicant answers four questions in each session. The eight essay questions are thus to be answered at an average rate of 45 minutes per question.

Topics covered in the essay portion include contracts, torts, criminal law, real property, evidence, constitutional law (all of which are also covered in the multistate portion of the exam) and decedents' estates and corporations.

The multistate portion of the exam during the second day is also six hours, broken into two sessions of three hours each. An applicant must answer 100 questions in each session, which means one answer every 108 seconds. Forty questions are asked in the areas of contracts and torts, while 30 are asked in constitutional law, criminal law, evidence and real property.

Scoring Formula

Grading of the essays is done by eight members of the staff of the State Board of Law Examiners. Each examiner reads and grades the same question for all applicants. A top score is 100, with scores decreasing at five-point intervals. The marks are totaled and divided by eight to reach a raw score for the essay portion.

All of the multistate questions are multiple choice with the student, hopefully, choosing the best of four possible answers. The score is based on the total number of correct answers.

Stephen H. Levine of BRI

Pennsylvania does not announce in advance what the passing grade for the exam will be or the method which will be used to determine the passing grade. For the last six exams, however, a combined score of 60 was required to pass.

The state board's policy in the past has been that in the July examinations (but not in the February exams) a student receiving a raw multistate score of at least 135 (135 correctly answered questions), would automatically pass without the necessity of grading his essay answers. Less than 50 percent of the applicants nationwide achieve such a score. In the July 1977 Pennsylvania exam, however, only about one-third of the applicants had to have their essay papers graded.

Preferences Decide

Passing the bar for Villanova students has not been a problem. A student's own preferences as to study techniques and exam preparation will determine the course best for that individual.

The Bar Review Center of America (BRC), a large organization giving bar review instruction in about 15 states, touts what it calls a Programmed Learning System (PLS) Lecture Course. For $250 (There is no significant cost difference among the three courses.) the applicant is provided all BRC's written materials; live, video or audio lectures; a writing program; computer-graded diagnostic and feedback services; and course guarantee. There is a limited services course and other options, but most students choose the PLS route.

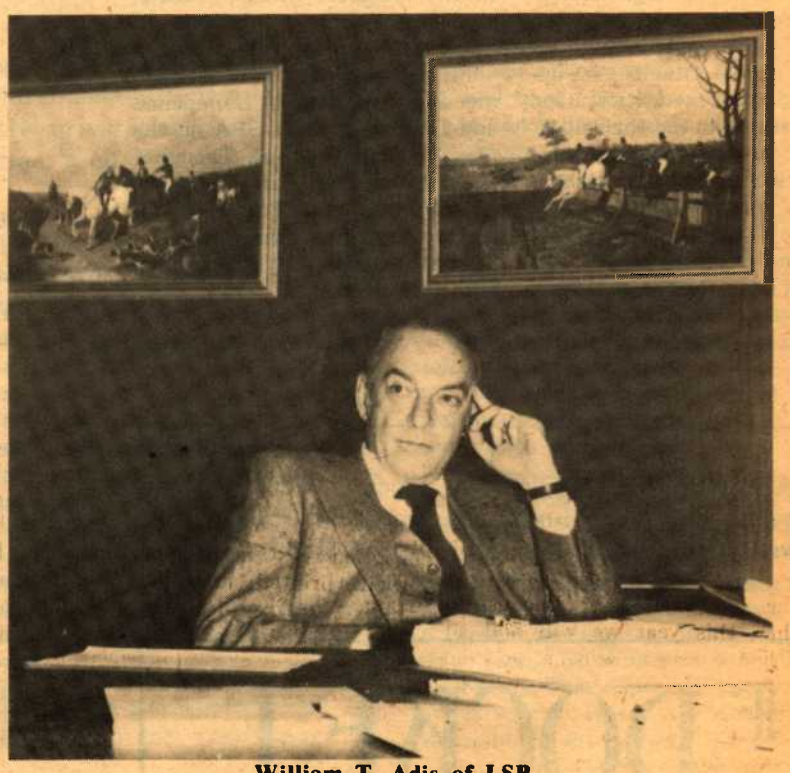
The course, which has been in Pennsylvania for just the past few years, is given live in a downtown Philadelphia location during the day. At night audiotapes are played for those who couldn't attend earlier. For students who do not wish to trek downtown an all-videotape program is provided at Rosemont College. The five-week course meets three to four days a week depending on what topic is being taught.

BRC's program begins with a test to diagnose individual strengths and weakenesses. The tests, called diagnostic probes, provide a computer printout which indicates pre-course knowledge in each bar-tested area in relation to a norm. The printout also directs the student to the precise location in BRC's law summaries where course answers can be found.

Outstanding Scholars

Much is made of the fact that BRC law summaries "are all prepared by outstanding scholars." Such noted authorities as Ralph Boyer (of Smith and Boyer, **Survey of Real Property Law**), Walter Jaeger (author of **Williston on Contracts, 3d Edition**), and William Hawkland (one of the draftsmen of the UCC and an author of 40 books and articles on the code) do, in fact, write BRC's law summaries.

After a student reads a particular law summary, but before actually attending lectures, an objective exam is taken to test knowledge and pinpoint areas of difficulty. These tests are once again computer graded and direct the student to the page and line on which the correct answer can be found.



William T. Adis of LSB

The BRC lectures, themselves, stress issue spotting.

"We think it is a waste of valuable time to go to a lecture where the speaker merely repeats the rules of law which can be — and in BRC's case at least — are clearly stated in the written materials," says BRC Director Josephson. "Thus BRC's lectures solve bar questions for the student, point out recurring patterns, and sensitize the student to facts of particular importance."

Additional testing is provided at the end of each lecture group, including an essay question from a past Pennsylvania bar examination. The results on all of these tests, it must be pointed out, are not availale until 10 days after they are taken, since they are mailed to California, graded, and then mailed back.

Time Forces Review

Josephson, however, insists that the tests are **purposely** delayed.

"The time delay forces the bar applicant to go back and review courses which came earlier in our program," he says.

Whether an applicant is willing to wait 10 days before discovering a personal deficiency in a part of the exam is, of course, a decision that must be made by each individual.

BRC, although a major bar review course in Pennsylvania and elsewhere, has not been nearly as successful in attracting students at Villanova as the Bar Review Institute of Pennsylvania (BRI). Last year all 77 Villanova students who took the course from BRI passed the July exam.

Expertise and Promotion

BRI is a wholly-owned subsidiary of Harcourt Brace & Jovanovich, a major publisher. Harcourt also owns the Bay Area Review course, which is a major force on the West Coast. As a result of the parent corporation's expertise, BRI's law summaries are probably the most professionally written, edited and produced product in Pennsylvania.

Although a relative newcomer to Pennsylvania, BRI has made deep inroads into the practically heretofore unchallenged position of the Levin-Sarner-Brown (LSB) course. A high-powered promotional campaign and the quality of its written materials has enabled BRI, which is active in 26 jurisdictions, to take at least half of LSB's students at Villanova.

Steven H. Levine, BRI director in charge of most East Coast activities states: "From the outset we have attempted to run the best possible course at the most reasonable price and have always taken our profits and thrown them back into the course to get better faculty and better materials. That, along with the fact that we have always sought out local help, local directors, local faculty where it was superior, as well as our obvious expertise on the national part of the examination (simply because we provide so many students with the review of the multistate in so many jurisdictions) are the reasons for our success."

BRI will have 10 to 12 faculty members in the state from time to time. And, Levine readily admits, BRI's faculty ". . . from an expertise standpoint, and certainly from a lecturing standpoint, is better in every subject than any other faculty teaching bar review in Pennsylvania."

Those faculty members will be lecturing live in a downtown Philadelphia location this summer. In addition, BRI will have a half-live, half-videotape course at Bryn Mawr College or another appropriate location in the area. The six-week course will begin the first week of June and meet on Tuesday, Wednesday and Thursday mornings. In addition, an evening program is being added.

Testing procedures include a simulated multistate examination with analyzed answers and a self-testing program both on the essay and multistate portions of the exam to provide immediate feedback on the student's progress.

Needs Strengthening

With characteristic modesty, Levine states: "Testing is an area that needs strengthening. Based on our success factor you would

(Continued on page 9)

Sandra G. Moore

School considers admitting deaf

By Michelle Niedzielski

Villanova Law School is taking a rational approach to the challenge of preparing the handicapped individual for the rigors of the legal stomping ground.

Sandra Moore, admissions officer, speaks from an objective and critical viewpoint when discussing her interest in pooling applicants with a handicap from diverse backgrounds. All applications are reviewed to judge whether those with a handicap possess the determination to complete law school courses.

Dean Christine White-Wiesner reports the results of the open-ended method: Ed Titterton ('75), who has cerebral palsy, works at the City Solicitor's Office as well as in private practice; John Peoples ('74), legally blind, practices in his own firm in Delaware County. Admittedly, the list of graduates who possess a physical handicap is sparse. The evolution of a decidedly positive attitude in admitting handicapped students will increase the roster.

Moore speaks of the possibility of deaf students being admitted next year with the state providing the necessary interpreters. Of course, the practical problems that the student will meet can be fully appreciated only in hindsight. Generally, there is an awareness of the limitations that the physical surroundings place on the handicapped, and effort is being made to lessen them at the law school. All government buildings now must provide ramps for those not able to use the traditional 'mountain' of steps, for instance. This action reflects a certain degree of enlightenment.

SBA

(Continued from page 2)

To this, Dr. James Clarke of the university faculty replied, "We could raise the law school tuition to $4000 and still sell it."

O'Brien Speaks

At this point, Dean J. Willard O'Brien entered the discussion. Previously, he and law Prof. John J. Cannon, who is the senate parliamentarian, were staying aloof of the proceedings. Both had voted to abstain on all matters. If votes were indicated by facial expressions, however, rather than hand gestures, both would have consistently voted disdain. Cannon managed to remain detached until the end, but Dean O'Brien decided to answer Clarke.

After pointing out that merely because it was possible to raise tuition to the breaking point does not mandate that it be done, the Dean began a classic closing argument. He pointed out that while no one was happy with the budget, there was no agreement on how to amend it, so that perhaps it would be better to approve it and begin working to create a better one for next year.

When he finished, it was evident that the debate was over. There were a few feeble attempts to keep it going, but the Dean's timing was good. The senators were tired, most had sufficiently indicated their displeasure, and it was snowing. The budget passed 18-15.

Piercing scuttlebut

(Continued from page 8)

not think so. But there's always the chance that there's that weak student in class who cannot write an essay answer as is required by the bar examiners. Because of that, this year we will add additional essay writing, grading, and critiquing so that those students who need additional help . . . will have an opportunity to write answers to former Pennsylvania bar exam questions, have them graded and critiqued, and handed back with model answers."

In a further effort to remain as competitive as possible, BRI will be giving its course to veterans for just the $20 course deposit and $25 refundable book deposit. This is in response to the Veterans Administration's ruling that BRI does not qualify to receive veterans' benefits as a lecture bar review course.

BRI along with BRC qualify to receive benefits only as correspondence schools. BRI is currently challenging the decision in its case. Those veterans taking the course with BRI will, therefore, receive BRI's course practically free, with the understanding that they will assign whatever benefits BRI is eligible for once a final decision is made.

The Levin-Sarner-Brown (LSB) course, however, has been approved to train veterans by resident training, or lectures. In a letter to Leonard Sarner, one of the principals of the course, the Veterans Administration stated: "There is no other school in the State of Pennsylvania offering a resident Bar Review course which has been approved by the State for veteran training."

This, undoubtedly, will change in the future as BRI and BRC become more established. However this is a competitive edge for LSB right now. And LSB needs all the help it can get. It has slipped considerably from its practically unchallenged position.

Flat-Footed

William T. Adis, an attorney with Pechner, Dorfman, Wolffe & Rounick and an LSB lecturer for 28 years, recognizes this.

"I think we were never overly concerned with merchandising and promotion," he said. "We were just concerned with doing a good job. And we were sort of left flat-footed on the importance of merchandising."

LSB is, indeed, a home-grown course which has over the past 40 years built up a solid reputation of competence in helping to prepare thousands of students who are now practicing in Pennsylvania. It is being forced, however, to meet the challenge of its newer and more vigorous competitors.

"I think our chief disadvantage to date with competition against BRI and BRC is the appearance of their printed materials," Adis said. "We have for many years, in an effort to keep costs down, not printed our books but used various types of multilithing . . . In an effort to compete we will have to get our books printed."

Although LSB's written materials are not as professional in form and appearance, an examination of the substantive course content gives the impression that LSB's books are on a par with the other courses in this subject.

Relieves Drudgery

A plus for LSB in its written materials is its looseleaf notebook, which contains the black letter law in printed form and ample space for notetaking. This, LSB states, relieves the student from the drudgery of taking down every word. Each lecturer has prepared his portion of the notebook so that the notebook closely follows the lectures.

This, claims LSB, allows its lecturers to review the substantive law in a comparatively short period of time. About 50 percent of the course is devoted to lecturing. Each lecturer uses 25 percent of his time to analyze from 10 to 15 Pennsylvania essay questions and the remaining 25 percent of his time to review in each subject at least 50 official multistate questions and another 25 sample questions.

Personal Critiques

LSB provides review of over 100 essay questions and 500 multistate questions. Officials of LSB point out that lecturers will personally and individually critique essay answers with no time delay for its students. In addition, lecturers for LSB see their students at least three times during the course coverage, as each lecturer teaches several portions of the bar review course.

For example, a lecturer who leaves after teaching in the first week of the seven-week course might return during the fourth and seventh weeks and would therefore be available to resolve any substantive or mechanical problems which might have arisen in the interim.

This is in contrast to the other bar review schools whose lecturers travel in a circuit among the various states, give their lectures at a particular location and are never seen again by the students.

LSB, which passed all 76 of its Villanova students in last July's bar exam, presents live lectures both mornings and evenings in Philadelphia. Lectures are given in the course's downtown building and transmitted through a telephone-loudspeaker hookup to Haverford College.

Students at Haverford may ask as many questions as they desire from the lecturer located in Philadelphia through the phone hookup after the lecture. Adis says that many students prefer this to videotape presentation, in which no questions can be answered.

"A good many people start with the live lecture in Philadelphia and then switch to Haverford, which is more convenient," Adis says.

Needs And Taste

While LSB may have some positive elements, so do the bar review courses given by BRI and BRC. It is the consensus among people in the business that all three do at least a competent job in preparing students. Which one a student picks will be a function of his own needs and taste. Every student should give serious thought and attention to this decision. It may not mean the difference between passing and failing, but the correct choice could eliminate anxiety and provide a more relaxed and fruitful experience.

Librarian

(Continued from page 5)

Russian classes at Penn and Widener. The market for Russian professors turned out to be less than vigorous, however, and Cox once again changed course and enrolled at Drexel, earning her masters in library science in 1976.

That decision was based on more than family background. She worked at the University of Pennsylvania's Biddle Law library for some time and had found an affinity for reference work.

Through Drexel's placement service, Lucy Cox came to Villanova. And here she hopes to stay. She is especially intrigued and pleased with the Villanova system of student library workers which is, in her experience, unique. Her work at Penn was mostly with other library professionals. Cox has issued a special plea that complaints and suggestions about the reference materials be brought to her. She promises to listen and help.

Admissions criteria debated

I commend Prof. Lurie's effort to explain this school's admissions system in the last issue of **The Docket,** but his article left me disturbed. My concern is over the role of the Admissions Officer in selecting which applications will be reviewed by the Admissions Committee and the placing of paramount emphasis on grade-score index numbers in the selection process. The lack of any indicator of conviction or moral commitment in the admissions materials considered is a subject I found conspicuous by its absence from the piece.

It seems incongruous at best that, given the importance of the admissions decision, there are occasions when it is made by one person, the Admissions Officer. It is the AO who determines in which of three brackets to place an applicant: the bottom bracket in which admission is denied, the middle bracket which the committee considers, and the top bracket in which admission is granted. The AO's decisions in regard to the top and bottom brackets are not reviewed; the committee considers only the middle.

I understand the burden that processing over 2000 applications puts on the admissions process, and I concede that some filtering of applications is necessary to allow the Admissions Committee to devote sufficient time to those applications that show the most promise. But to have this filtering done by one person, with no review of the decision made, does not support the voiced concern over the importance of the decision. If the decisions in the high and low groups are easy and therefore amenable to being made by the AO alone, as is implied by Prof. Lurie, there is question about the added burden the making of these decisions would place on the committee.

Surely, if the basic decisions could not be made by several persons, perhaps by a subcommittee of the Admissions Committee, at the very least the decision of the AO could be reviewed by such a committee, or even by one member.

Why do I object to the relatively unfettered role of the Admissions Officer? Let me make clear that it is not because I fear consciously arbitrary decisions. There are guidelines which the AO follows, and such decisions are not cursory, but rather the product of repeated examination. My objection is simply that, given the materials with which the admissions system works, the chance of a mistake by one person is good, and the chance of rectifying it is poor.

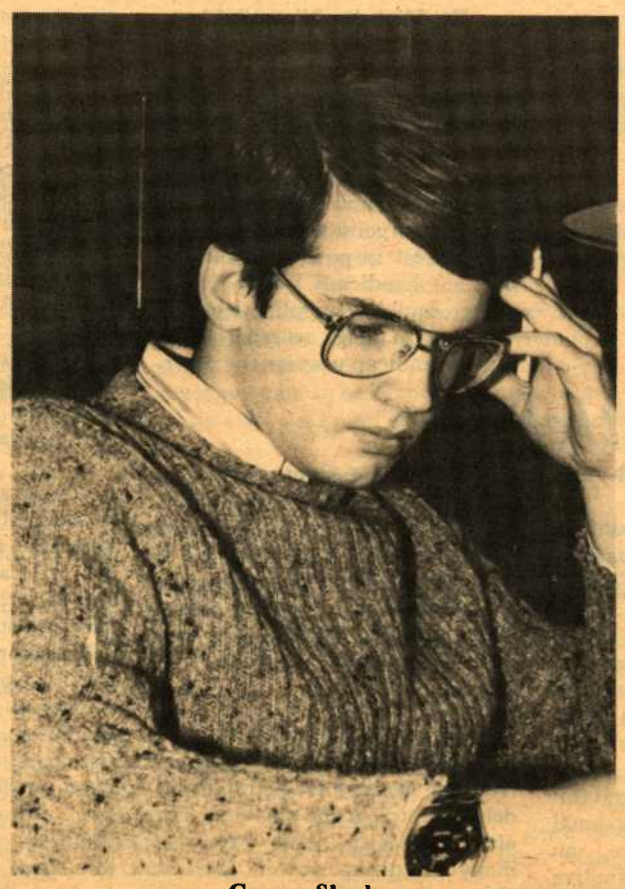
I don't mean that the AO makes a great many mistakes. I suspect that, in all, mistakes are relatively few. But mistakes of this kind are devastating, and to the extent that they are unnecessary, it is a great pity. What I fear are decisions that take too little into account. The system breeds mistakes because it provides inadequate grounds for assuredly correct decisions, whether they are made by an individual or by committee. When the materials are inadequate to begin with, the less personal input in the decision, the greater the chance of mistake.

How are the materials inadequate? The first problem is evidenced by Prof. Lurie's conclusion that, for most applicants, ranking by index number is satisfactory. Certainly, I don't dispute that academic records and test scores have value, though I am at least skeptical of the latter. They do provide some degree of certainty in projecting law school performance. They have validity as far as they go, but they don't go very far. They measure scholastic ability alone, which obviously is not enough for a school whose aim is to produce something other than legal technicians.

What else is provided for in the admissions materials? Questions about activities, health, disciplinary action, and criminal behavior. Teacher recommendations. A mysterious catch-all writing sample.

I never knew what teacher recommendations were for, and I still don't. *(NOTE: Villanova does not require recommendations.)* I do know that I always felt uncomfortable asking for one. There are so many variables in the process: do I know the professor well enough; does the professor know who I am; does he know **what** I am, what I think about, and why; does he care; can he write; what should he write; does he have time. The uncertainty is multiplied by the number of recommendations needed. From the point of view of the admissions evaluator, there is the added factor of knowing that the relationships of the teachers to the students they write about are vastly different. How are such factors to be meaningfully considered?

The catch all: What information, not disclosed elsewhere in this application, do you believe should be given consideration in reviewing your application?



George Sheehan

The gamesmanship in this is apparent. One gets the impression that this is an example of the technique of compelling a person to distinguish himself by giving him nothing to work with, except that for some people, it's everything. What is being tested? Creativity? Intellectual rigor? Or is it merely to discover who has perfected the fine art of completing applications? Why not ask questions, directed questions, to see not just **that** someone thinks, but **how** he thinks. Certainly there is possibility for abuse here as well, but at least the chances are better that the applicant won't have a canned response. Someone who had been written off based on his index number might be seen to have something genuine to offer when he's asked to think, not just to find an angle. Likewise, real questions may be raised about the acceptability of someone in the high bracket, previously thought to be an automatic admittance.

Prof. Lurie remarked on the undesirability of placing paramount emphasis on the grade-score index, but indicated that because of the unavailability and/or unreliability of other criteria, it is necessary. I agree that it is undesirable, and the suggestions above are the fruit of that opinion. But what I find most undesirable about it, indeed about the whole admissions process, is that it takes little account of the applicant's ethics, moral standards, or personal commitment to social good. It takes no account of whether the applicant is a good person, and, in that regard, makes impossible a valid assessment of whether a particular applicant will be a good lawyer.

I remember Dean O'Brien's admonitions in my first year to remember that we were preparing to be members of a profession, with responsibilities to the profession and to society, not mere technicians who ply their trade for the highest bidder. While the Dean's sentiments are praiseworthy, I think for many they come too late. It is one thing to encourage the development of high moral standards in lawyers; it is quite another to attempt to instill them in an unreceptive lot. Wouldn't it be wiser, and more effective, to try to find the receptive ones from the start? Isn't it unlikely that persons of the age of law students will suddenly be won to the right way?

Of course, to find good people is not an easy task. To succeed may require herculean efforts. But at least the attempt could be made. Again, ask a question. Design it to elicit a revealing response. Is that not possible? As important as it is that some people not be excluded from law school, it is equally important that some people not be admitted. It is my view that in neither respect are there sufficient grounds for making the decision.

There are flaws in the present system of admissions. There are, no doubt, flaws in the suggestions I've made. There is much more to be said on this subject from other quarters. But I'm as convinced that our admissions system can be improved as I am that it must be improved.

George Sheehan '78

Professor Lurie comments:

The Admissions Officer does not have a "relatively unfettered role" in determining which of the three brackets (high, medium and low) in which to place an applicant. The Committee on Admissions has imposed binding guidelines upon the Admissions Officer so that her task is mostly ministerial rather than discretionary. Her only discretion is to refer additional application files from the top and bottom brackets to the committee for review.

To guard against errors, the chairman of the Committee on Admissions reviews the computer print out of all status decisions and makes inquiry into any questionable decisions.

Mr. Sheehan's letter also confuses two kinds of mistakes. The first is a purely administrative mistake such as misfiling or incorrectly reading or recording applicant information. The second is that of making decisions on wrong or inadequate data. The solution to the first is increased vigilance. The solution to the second is more complex.

Errors in decisions are of two kinds: (a) admitting the applicant who should be rejected, and (b) rejecting the applicant who should be admitted. Since there are more applicants who qualify for admission than can be accommodated, the first error is more serious than the second. Accepting an applicant who should be rejected reduces the number of spaces available to applicants who should be admitted. Rejecting any one applicant who should be admitted simply means the acceptance of some other applicant who should be admitted. However "devastating" that decision may be for the individuals involved, it is unavoidable and necessary for the institution.

Mr. Sheehan's criticism on the paucity of the material upon which the Committee makes its decisions is valid, but not particularly helpful. What possible question or series of questions could the Committee ask that would elicit a response from applicants that would enable the Committee to evaluate comparatively the creativity, motivation, morals, character or integrity of over 2000 applicants? We know of no such question(s) and Mr. Sheehan's letter contains no suggestion.

Prof. Howard R. Lurie

We wish to thank all those secretaries who assisted in the preparation of The Docket.

B-Ball season nets controversy

By Phil Lerner

The intramural basketball season has always provided its share of disagreement over scheduling and less than judicious officiating. This season, arguments of constitutional dimension have arisen due to the influx of women participants.

Traditionally, so as to facilitate easy recognition of teammates, teams have removed their shirts during the game. This year prior to its first game WSA members, sporting their new team shirts, were asked to go "skins" by the refs because their opponents, TMA, included Eileen Finucanne.

WSA, in a showing of team solidarity, objected, requesting that TMA go "skins." Reason soon prevailed as both teams kept their shirts on. The game was marked by tenacious defense and much hand checking. Especially impressive was the way Frank Deasey guarded Ms. Finucanne, who swished her only shot right in his eye.

Faculty Appears

This season has also featured court appearances by two faculty members, J.C. Undercofler and Len Packel. Prof. Undercofler, under the coaching of Al Trabilsy, has not shown evidence of long absence from the courts. He has been impressive in objecting to several foul calls, despite harassment from the bench. Prof. Packel is displaying his West Philadelphia schoolyard style for the legendary Asian Flu, which stunned the sports world by winning its opening game despite the 14 point effort of Mark Gibney.

Probably the most impressive team so far has been CIB, the pride of the first-year class. Pete Hileman, Doug Briedenbach, "Wolf" Weiss, and Henry S. provide pro size up front, while Keith Heinbold (fresh out of the ACC) and Sam (not to be confused with pass) Pace handle the ball.

A merger that was looked into by the SEC and recruiting tactics of a transfer student that would have made Lefty Driesell proud has brought together a CID squad that has the talent to steal it all. However, Kent Johnson failed to appear in any of CID's first three wins because of an ethics problem.

This has put the pressure on Howie Heckman, who has already sacrificed his knees for the team, and that most controversial figure, Nick Caniglia. Jack Brinkman, the transferee, has been hampered by injuries thus far and is still refusing to confirm reports that he was offered a Mercedes and parking privileges in front of the school to play for another team.

Champs Lackluster

Defending champion WSA (aka Mag 7) has been lackluster in extending its winning streak to 14 games. John O'Rourke, easily the league's most offensive player last year, was recently seen at the Spectrum consulting with Ilie Nastase on how to make friends while competing. WSA was paced in its early wins by the shooting of "Radar" Sullivan, the driving of Frank Deasey, and the never-ending tenacity of S. Theodore Merritt.

In general, the competition throughout the three division league is vastly improved. TMB, despite injuries to Paul Cody, used the scoring machine. Mike Deschler, and the Brooklyn schoolyard style of Barry Abbott to romp to two easy wins before falling to CIB. Joe Melvin and Tom McGarrigle, while hoping for the three-point shot to come back, will have to settle for two points per shot in leading CIC.

Other early favorites for the eight available playoff spots are TMA, who, led by C.B. Gheazey and Joe Dworetzsky need only some hustle to live up to their potential, and TMC, who have been victims of tough early season scheduling.

As always the games are a showcase for many to articulate their thoughts to the refs. This is appreciated by those who volunteer to referee. It gives them a chance to use their earplugs along with the usual attire of blindfolds.

Four ladies from the administration were known only by the letters of the alphabet dangling from their necks last Tuesday as second and third-year students entered with trepidation at the sign, queued up and received their grades.

Banks makes Chi smile

By Jon Kissel

The Associated Press recently published a letter from an irate Chicago sports fan addressed to P.K. Wrigley, owner of the Chicago Cubs. The fan adamantly demanded his outright release from the ranks of the "Bleacher Bums", Wrigley Field's famed rooting section.

Many readers throughout the country laughed at this and considered it a joke and a mockery. I did not. For I, like this disenchanted fan, have lived in Chicago my entire life and have faithfully rooted for that city's all-too-often miserable conglomeration of misfits, traveling under the guise of athletic teams.

Chicago is not what most people call a friendly city. Its residents are exposed to a variety of both adverse and advantageous elements. In the fall the weather is horrible, and for the past 10 years the Windy City has had a football team whose talent equally matches the weather. The winters are cold, miserable and windy — as have been the Bulls and the Black Hawks.

These are Chicago's winter teams of the past, the ones which writers claimed consisted of outspoken and dirty players, who are poor sports and possess lethargic natures toward their games. They hated their owners just as they hated their coaches. The Chicago fans, in those years, responded with poor attendance and little confidence in their teams from autumn to winter.

A Different Tale

Yet the tale of summer is a different one. There is no stadium in all of baseball as quaint, friendly or beautiful as Chicago's Wrigley Field. With green vines covering the outfield walls, natural grass fields and foul lines a mere 20 feet from the stands, an avid baseball fan who enters Wrigley Field finds himself in paradise — until the Cubs stumble out of their dugout and onto the playing field.

The Cubs are an enigma. With the exception of 1969, they have ruled the second division with greater intensity than Dean Collins rules the parking lot. Yielding to no challengers they have faithfully turned back most rivals who have attempted to finish below them. Yet the fans came in masses to view the picturesque scenery and the comedy of errors being played in front of them.

I cannot remember any season the Cubs failed to draw a million in attendance. I cannot remember hearing "boos" at a Cub game. I cannot remember foul remarks from the stands directed at the manager or the players. But I can remember smiles on the faces of the fans — all of them. From the ladies who got in for a buck-and-a-half each Wednesday afternoon, to the youngsters under 12 who paid only a dollar, there were smiles radiating from all corners.

The Unforgettable

But the smile all devout Cub fans will never forget was that of Mr. Cub himself, Ernie Banks. Never had a single player satisfied the fan more than Ernie did in his career with the Cubs. Forget the 500 plus homers he belted for the team. Forget the back-to-back Most Valuable Player Awards he earned in 1958 and 1959 when his team finished dead last. But remember his smiling face each and every time he ventured onto the field.

Those days were bleak for the Windy City North Siders. Yet, no matter how bad a game was going, there was always hope that Ernie would do something to make a fun day memorable. And on the days when Banks did pull the Cubbies through, the fans stood and cheered; and Ernie would come out, smiling as always, and tip his hat to the fans that loved him.

Well, it's been years since Mr. Cub cleared the bases with a shot to left, or threw out Wills from deep in the hole, or even emerged from the dugout to answer the cheering fans who requested an encore. But the fans are cheering for Ernie once again in Chicago — for he just became the eighth player in baseball history to be inducted into the Hall of Fame on the first ballot.

So now the story's told, and all the Chicago fans who cheered for Ernie and hoped he'd do something memorable have had their hopes satisfied. And the best thing about it is I know Ernie is smiling for them.

SBA films put Law in limelight

By Max Perkins

A Cannes film festival it's not, but this semester the SBA, with the help of Prof. Joseph Dellapenna, is sponsoring a film series which could easily become a tradition. For six successive weeks films will be shown which raise substantial questions for lawyers and law students. Discussions will be held after each film, moderated by a faculty member.

The films, which range from comedy to drama, include: "I Love You Alive B. Toklas," "Dingaka," "Witness for the Prosecution," "The Caine Mutiny," "10 Rillington Place," and "M."

The first in the series, "I Love You Alice B. Toklas," starred Peter Sellers as a 35-year-old lawyer who "turns on, tunes in and drops out." The waning days of Haight-Ashbury are recaptured in Sellers' luxury apartment as he experiments with a new life style. Sellers finds himself wondering just what his role as a lawyer should be.

"Dingaka," a South African film made in 1964, is the story of an arrogant white lawyer who is assigned, pro bono, to defend a tribal black who attempted to avenge the death of his daughter. This theme, especially with the political situation in South Africa today, sustained an active discussion after the film led by Dellapenna.

The series provides not only some alternative entertainment and a bit of brew, but also a chance to meet informally and discuss topics of interest to the profession.

The next issue of the Docket will feature an indepth story on a conference sponsored by the Institute for Correctional Law which was held on February 11 and 12 concerning the mentally ill offender. The conference was keynoted by the Hon. David L. Bazelon (pictured above), Chief Judge of the U.S. Court of Appeals for the District of Columbia.

Practitioner

(Continued from page 4)

Burns was less positive that he knew the answer to where the law school would get the resources and time to make great changes in their programs.

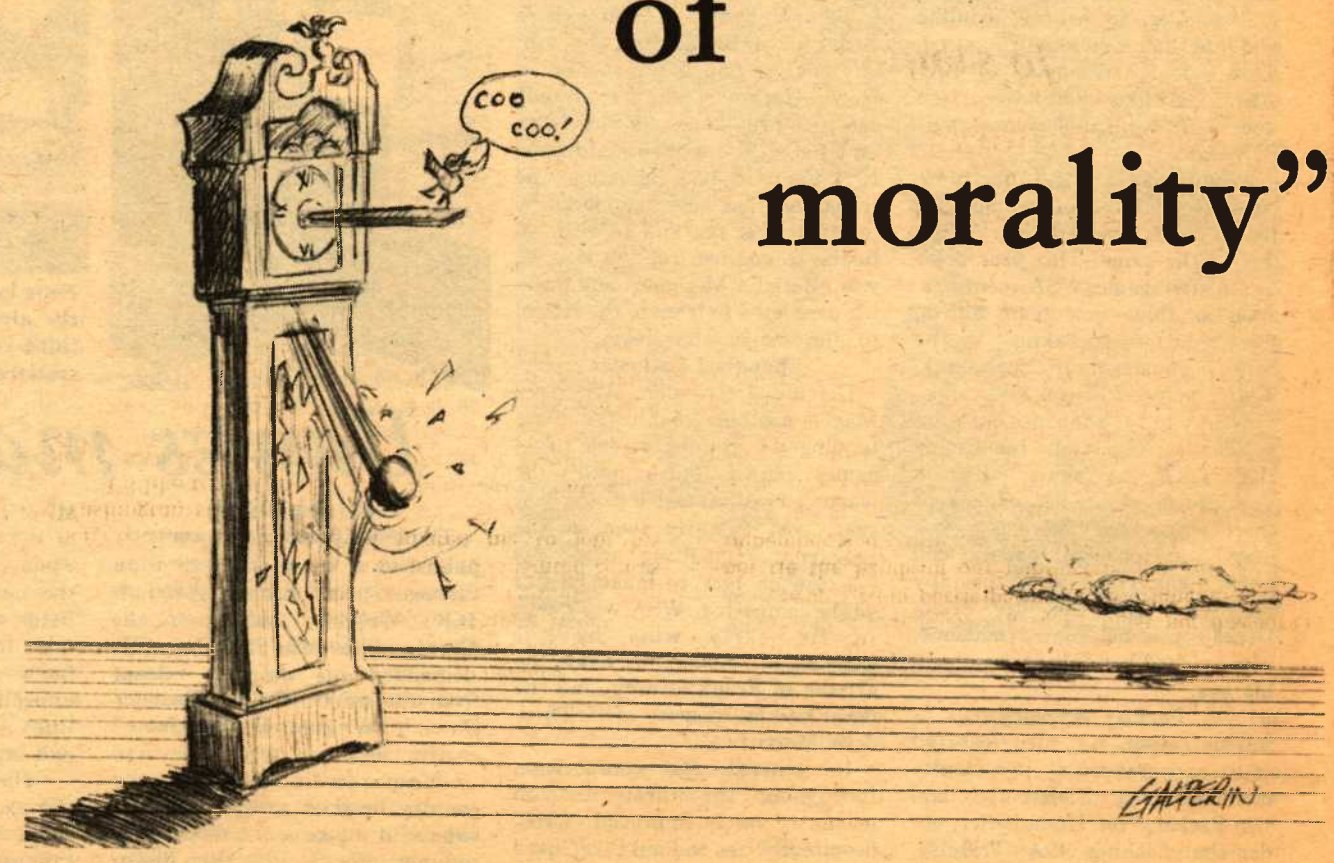
"A co-op program would be optimal," he said wistfully, acknowledging the difficulties that would attend the initiation of such a program at his alma mater.

However, he was not without hope. The alumni who have gone into practice in this area could go a long way towards filling the "gap," Burns said, by offering their services to students who want to hear, straight from the horse's mouth, about the practical aspects of a legal career.

EDITOR'S NOTE: We encourage students to make the first move towards establishing a program where Alumni offer their experiences in a forum addressed to those "practical" matters of practice which are often considered too mundane for class discussion.

"The sexless orgies of morality"

By Elliot L. Richardson



Had security guard Frank Wills not noticed a taped door lock at the Watergate Office Building on June 17, 1972, we might never have known that there were those in the inner circle of the Nixon Administration who lived by a code alien to the values most of us cherish. Who can say where the abuses of power might have led had there been no opportunity for these abuses to emerge into public view?

While one can argue plausibly that fundamental government policies and programs would not have changed much in terms of war and peace or the economy had the Watergate burglary not been discovered, we certainly would be farther down the road to Orwell's 1984 than we otherwise are. But because the American people had this terrifying glimpse of the abuse of government power at a time when centralized, pervasive and intrusive government had become a general concern, we are probably farther from 1984 today than we were 10 or even 20 years ago.

The Watergate experience also brought reforms that make the repetition of such abuses less likely.

These included legislation to reform political campaigns, particularly in regard to their financing; a thorough review of the activities of the U.S. intelligence community by both the executive and legislative branches of government; and more and better investigative reporting by the media and oversight activity by the Congress. I think it is notable that the 1976 Presidential campaign was the first in many years during which there were no complaints to the Fair Campaign Practices Committee.

But while we have surely benefited by these reforms, we have also begun to suffer from what Swinburne once termed "the sexless orgies of morality." New kinds of excesses have developed in this post-Watergate period as the pendulum has swung in reaction to the original abuses of power.

Upon returning from London to become Secretary of Commerce in early 1976, I was immediately asked whether I intended to appear at political fund-raising events, the implication being that I should not. While, as Attorney General, I had chosen not to engage in political activity — I was the first person in that job to do so — there is no reason a Secretary of Commerce should not make political appearances, and I said so in as strong terms as possible.

Likewise, during the 1976 campaign, I was frequently asked by the press to justify my appearances on behalf of President Ford or local candidates, even though my expenses were covered by non-Government funds, and I was devoting a more than adequate number of hours to my job.

But under our system of government it is a Cabinet officer's duty to make himself available to the American people and account for the stewardship of the incumbent Administration. That is the purpose of political campaigns, and I doubt the people would really prefer that we seclude ourselves in Washington.

Throughout the year, my office was asked by members of the press and public-interest groups for details of my travel. We were asked whether the handful of telephone calls I made to convention delegates on departmental tie lines, and which incurred no additional charge to the Government, were being billed to me personally.

Even campaign-finance legislation may have gone a little too far. It tends to give incumbents an unfair advantage, and through such action as the Federal Election Commission's limitation on contributions by state and local political committees, it has reduced grass-roots participation. One major party leader was photographed during the campaign whitewashing the name of a Presidential candidate off a combined party billboard, since to leave it on would have exceeded the local unit's allowed limitation.

The proposal to establish a permanent special prosecutor seems to me another overreaction to Watergate. Only twice during this century, during the Teapot Dome and Watergate scandals, has such an office been needed, and the Department of Justice is entirely capable of prosecuting Federal offenses fully and fairly, even when they involve Government officials. Good examples are the bold actions taken by James Thompson when he was U.S. Attorney in Illinois, and by George Beall, the U.S. Attorney in Baltimore who pursued the investigation of Spiro Agnew.

Just as Joseph Addison said in 1711 that he would "endeavor to enliven morality with wit, and to temper wit with morality," so must we endeavor to balance morality with common sense. Many people fail to understand fully the legitimate role of politics in our system. We should not seek to eliminate politics, but rather to eliminate one *kind* of politics. I recall that in late 1952 United States Senator Leverett Saltonstall invited me to join his Washington staff.

"I'd like to join you," I told the Senator, "but on the legislative as opposed to the political side of your office's work."

Our task today, as always, is to determine where to draw the line. The danger of dredging up petty complaints or adopting overly rigid rules can be serious — a fundamental dampening of processes essential to our political system. For we must not only enact good laws, and exact high standards. We must also attract good people, and such excesses can make that more difficult.

The outcome of Watergate, we keep hearing, proved that the system works, that our government is still one of laws and not of men. That's so. But it was never intended to mean good laws *without* good men, who will always be needed.

As Prof. Grant Gilmore of the Yale Law School pointed out so well in a lecture entitled "The Age of Anxiety":

"Law reflects but in no sense determines the moral worth of a society . . . The better the society, the less law there will be.

"In Heaven there will be no law and the lion will lie down with the lamb. . . . The worse the society, the more law there will be. In Hell there will be nothing but law, and due process will be meticulously observed."

If Watergate had not been discovered, we might today be well down the road to 1984. Because it was discovered, we have regained our political equilibrium. But there can be too much of a good thing, and in our zeal to prevent another Watergate we must not discourage good people from participating in government, we must not tie the hands of our public officials, and we must remember that politics in and of itself is not a dirty word.

Elliot L. Richardson, Secretary of Commerce in the Ford Administration, resigned as Attorney General in the Nixon Administration at the time of the "Saturday Night Massacre" in October 1973.

There will be a Wine and Cheese reception sponsored by

The Docket *on Tuesday, February 22 at 3:00 P.M. in the student lounge*

to encourage prospective writers to meet with members of

The Docket *staff and to allow students and Faculty members*

an opportunity to Discuss issues and opinions raised in The Docket.